

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
August 28, 2006
4:00 p.m.

The City Commission convened at 2:30 p.m. in a Study Session for a Pay As You Throw Recycling Presentation. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Vice-Mayor Alan E. Jilka, Chairman presiding
Commissioner R. Abner Perney
Commissioner John K. Vanier II

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager
Greg Bengtson, City Attorney
Lieu Ann Elsey, City Clerk

Absent: Mayor Donnie D. Marrs
Commissioner Deborah P. Divine

06-7254 Moved by Commissioner Vanier, seconded by Perney, to add Item 8.12 to the agenda.
Aye: (3). Nay: (0). Motion carried.

CITIZEN FORUM

None.

AWARDS - PROCLAMATIONS

(4.1) The month of September as "National Alcohol and Drug Addition Recovery Month" in the City of Salina. Colleen McClellan of the Regional Prevention Center, read the proclamation and announced upcoming events.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

None.

CONSENT AGENDA

(6.1) Approve the minutes of August 21, 2006.

(6.2) Award of contract for Gravity Belt Thickener Building No. 12 roof replacement at the Wastewater Treatment Plant, Project No. 06-1602 to Wray Roofing, Inc. in the amount of \$18,519.40.

(6.3) Award of contract for replacement of gas detector systems at the Wastewater Treatment Plant, Project No. 06-1601 to R.E. Pedrotti Company in the amount of \$24,250.

(6.4) Resolution No. 06-6304 appointing members to the Animal Control Advisory and Appeals Board and the City Planning Commission.

06-7255 Moved by Commissioner Perney, seconded by Commissioner Vanier, to approve the consent agenda as presented. Aye: (3). Nay: (0). Motion carried.

DEVELOPMENT BUSINESS

(7.1) Application #P01-1B, filed by Foley Equipment Company and H-M Olathe, LLC, requesting approval of the Replat of Foley Addition.

(7.1a) Second reading Ordinance No. 06-10349 providing a change in zoning district classification from C-7 (Highway Commercial) to I-2 (Light Industrial) on property located in the Replat of Foley Addition.

Dean Andrew, Director of Planning and Community Development, explained the request and the Planning Commission's recommendation and conditions of approval.

06-7256 Moved by Commissioner Perney, seconded by Commissioner Vanier, to approve Application #P01-1B and accept the offered easement, right-of-way and restricted access dedications and authorize the Mayor to sign the plat. Aye: (3). Nay: (0). Motion carried.

06-7257 Moved by Commissioner Vanier, seconded by Commissioner Perney, to adopt Ordinance No. 06-10349 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.

(7.2) Second reading Ordinance No. 06-10350 requesting annexation of the Blue Beacon International, Inc. Replat.

(7.2a) Application #P06-1/1A, filed by Blue Beacon International, requesting approval of the Blue Beacon International, Inc. Replat.

Dean Andrew, Director of Planning and Community Development, explained the request and the Planning Commission's recommendation and conditions of approval.

06-7258 Moved by Commissioner Vanier, seconded by Commissioner Perney, to adopt Ordinance No. 06-10350 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.

06-7259 Moved by Commissioner Perney, seconded by Commissioner Vanier, to approve Application #P06-1/1A and accept the offered right-of-way and easement dedications and authorize the Mayor to sign the plat. Aye: (3). Nay: (0). Motion carried.

ADMINISTRATION

(8.1) Second reading Ordinance No. 06-10346 providing a change in zoning district classification from R (Single-Family Residential) to I-2 (Light Industrial) on property addressed as 1328 Prospect Avenue.

Vice-Mayor Jilka noted that Ordinance No. 06-10346 was passed on first reading on August 21, 2006 and since that time no comments have been received.

06-7260 Moved by Commissioner Vanier, seconded by Commissioner Perney, to adopt Ordinance No. 06-10346 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.

(8.2) Second reading Ordinance No. 06-10347 providing a change in zoning district classification from C-1 (Restricted Business) and R-3 (Multi-Family Residential) to C-2 (Neighborhood Shopping District) on property addressed as 2075 S. Ohio Street.

Vice-Mayor Jilka noted that Ordinance No. 06-10347 was passed on first reading on August 21, 2006 and since that time no comments have been received.

06-7261 Moved by Commissioner Vanier, seconded by Commissioner Perney, to adopt Ordinance No. 06-10347 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.

(8.3) Second reading Ordinance No. 06-10348 providing a change in zoning district classification from R-3 (Multi-Family Residential) and C-5 (Service Commercial) to I-2 (Light Industrial) on property located on the east side of North Ohio Street, between Orscheln Farm and Home and Lakewood Middle School.

Vice-Mayor Jilka noted that Ordinance No. 06-10348 was passed on first reading on August 21, 2006 and since that time no comments have been received.

06-7262 Moved by Commissioner Vanier, seconded by Commissioner Perney, to adopt Ordinance No. 06-10348 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.

(8.4) Amendments to Chapter 25 (Offenses, Miscellaneous Provisions) of the Salina Code.

(8.4a) First reading Ordinance No. 06-10351 amending Chapter 25, Article III, Section 25-51 of the Salina Code pertaining to battery.

(8.4a.1) Declare an emergency exists for second reading on the same day.

(8.4a.2) Second reading Ordinance No. 06-10351.

(8.4b) First reading Ordinance No. 06-10352 amending Chapter 25, Article III by adding Section 25-51.1 pertaining to domestic battery.

(8.4b.1) Declare an emergency exists for second reading on the same day.

(8.4b.2) Second reading Ordinance No. 06-10352.

(8.4c) First reading Ordinance No. 06-10353 amending Chapter 25, Article III, Section 25-52 of the Salina Code pertaining to battery against a law enforcement officer.

(8.4c.1) Declare an emergency exists for second reading on the same day.

(8.4c.2) Second reading Ordinance No. 06-10353.

(8.4d) First reading Ordinance No. 06-10354 amending Chapter 25, Article VI, Section 25-96 of the Salina Code pertaining to criminal damage to property.

(8.4d.1) Declare an emergency exists for second reading on the same day.

(8.4d.2) Second reading Ordinance No. 06-10354.

(8.4e) First reading Ordinance No. 06-10355 amending Chapter 25, Article III, Section 25-63 of the Salina Code pertaining to violation of a protective order.

(8.4e.1) Declare an emergency exists for second reading on the same day.

(8.4e.2) Second reading Ordinance No. 06-10355.

(8.4f) First reading Ordinance No. 06-10356 amending Chapter 25, Article IX, Section 25-151 of the Salina Code pertaining to unlawful use of weapons.

(8.4f.1) Declare an emergency exists for second reading on the same day.

(8.4f.2) Second reading Ordinance No. 06-10356.

Jennifer Wyatt, City Prosecutor, explained the amendments.

06-7263 Moved by Commissioner Perney, seconded by Commissioner Vanier, to pass Ordinance No. 06-10351 on first reading. Aye: (3). Nay: (0). Motion carried.

06-7264 Moved by Commissioner Perney, seconded by Commissioner Vanier, to declare an emergency exists for second reading on the same day. Aye: (3). Nay: (0). Motion carried.

06-7265 Moved by Commissioner Vanier, seconded by Commissioner Perney, to adopt Ordinance No. 06-10351 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.

06-7266 Moved by Commissioner Vanier, seconded by Commissioner Perney, to pass Ordinance No. 06-10352 on first reading. Aye: (3). Nay: (0). Motion carried.

- 06-7267 Moved by Commissioner Vanier, seconded by Commissioner Perney, to declare an emergency exists for second reading on the same day. Aye: (3). Nay: (0). Motion carried.
- 06-7268 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Ordinance No. 06-10352 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.
- 06-7269 Moved by Commissioner Vanier, seconded by Commissioner Perney, to pass Ordinance No. 06-10353 on first reading. Aye: (3). Nay: (0). Motion carried.
- 06-7270 Moved by Commissioner Vanier, seconded by Commissioner Perney, to declare an emergency exists for second reading on the same day. Aye: (3). Nay: (0). Motion carried.
- 06-7271 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Ordinance No. 06-10353 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.
- 06-7272 Moved by Commissioner Vanier, seconded by Commissioner Perney, to pass Ordinance No. 06-10354 on first reading. Aye: (3). Nay: (0). Motion carried.
- 06-7273 Moved by Commissioner Vanier, seconded by Commissioner Perney, to declare an emergency exists for second reading on the same day. Aye: (3). Nay: (0). Motion carried.
- 06-7274 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Ordinance No. 06-10354 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.
- 06-7275 Moved by Commissioner Vanier, seconded by Commissioner Perney, to pass Ordinance No. 06-10355 on first reading. Aye: (3). Nay: (0). Motion carried.
- 06-7276 Moved by Commissioner Vanier, seconded by Commissioner Perney, to declare an emergency exists for second reading on the same day. Aye: (3). Nay: (0). Motion carried.
- 06-7277 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Ordinance No. 06-10355 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.
- 06-7278 Moved by Commissioner Vanier, seconded by Commissioner Perney, to pass Ordinance No. 06-10356 on first reading. Aye: (3). Nay: (0). Motion carried.
- 06-7279 Moved by Commissioner Vanier, seconded by Commissioner Perney, to declare an emergency exists for second reading on the same day. Aye: (3). Nay: (0). Motion carried.
- 06-7280 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Ordinance No. 06-10356 on second reading. A roll call vote was taken. Aye: (3) Perney, Vanier, Jilka. Nay: (0). Motion carried.

(8.5) Award of the 2006 Solid Waste Venture Grants.

Michael Fraser, Director of General Services, explained the program, requests and the Solid Waste Management Committee's recommendation of awarding grants to the following:

Salina Iron & Metal Company	\$21,000.00
Salina Waste Systems	\$21,000.00
Community Access Television	\$3,431.70

Mr. Fraser then responded to Commissioner Perney's questions regarding Salina Iron & Metal Company's request and the reasoning for the difference in the amount requested and the amount awarded and the remaining balance of the Venture Grant Fund.

Mr. Fraser also responded to Commissioner Vanier's question on whether similar requests had been made in the past.

06-7281 Moved by Commissioner Perney, seconded by Commissioner Vanier, to approve the award of Solid Waste Grants as recommended by the Solid Waste Management Committee. Aye: (3). Nay: (0). Motion carried.

(8.6) Discontinuation of the Mulching Mower Rebate Program.

Michael Fraser, Director of General Services, explained the program, the Solid Waste Management Committee's recommendation, and the proposed use of the funds. Mr. Fraser clarified the purpose of the Venture Grant funds.

06-7282 Moved by Commissioner Vanier, seconded by Commissioner Perney, to discontinue the Mulching Mower Rebate Program as of December 31, 2006 and use Solid Waste Venture Grant Funds to provide the public with educational related materials and information on yard waste recycling. Aye: (3). Nay: (0). Motion carried.

(8.7) Award of contract for the 2006 Asphalt Arterial Major Maintenance, Project No. 06-1592.

Brad Johnson, City Engineer, explained the project, bids received, and project funding. Mr. Johnson then responded to Commissioner Vanier's question regarding the bids received and how they compared to last year.

06-7283 Moved by Commissioner Perney, seconded by Commissioner Vanier, to award the contract for the 2006 Asphalt Arterial Major Maintenance, Project No. 06-1592 to APAC-Kansas, Shears Division in the amount of \$588,939.60. Aye: (3). Nay: (0). Motion carried.

(8.8) Supplemental agreement with Olsson Associates and the Kansas Department of Transportation for additional construction engineering services for the Lakewood Bridge Replacement Project No. 01-1322.

Brad Johnson, City Engineer, explained the project, the agreement, and project funding.

06-7284 Moved by Commissioner Vanier, seconded by Commissioner Perney, to approve the Supplemental agreement with Olsson Associates and the Kansas Department of Transportation for additional construction engineering services for the Lakewood Bridge Replacement, Project No. 01-1322. Aye: (3). Nay: (0). Motion carried.

(8.9) Agreement with Bucher, Willis, & Ratliff Corporation for the completion of the City of Salina Biennial Bridge Inspection Program.

Brad Johnson, City Engineer, explained the project, agreement, and project funding.

06-7285 Moved by Commissioner Vanier, seconded by Commissioner Perney, to approve an agreement with Bucher, Willis, & Ratliff Corporation for the completion of the City of Salina Biennial Bridge Inspection Program. Aye: (3). Nay: (0). Motion carried.

(8.10) Request to establish a public/private partnership with Independent Connection of OCCK Inc. in the area of housing rehabilitation with the City of Salina.

Judy Irvin, Neighborhood Services Coordinator, explained the request. Ms. Irvin and City Manager Jason Gage responded to Commissioner Vanier's questions regarding which organization would receive the funding, additional duties added to the City of Salina's Housing Specialist position, possible increase in liability on the City, and waiving of fees for building permits.

06-7286 Moved by Commissioner Perney, seconded by Commissioner Vanier, to authorize staff to finalize details in a Memorandum of Understanding in relation to a private/public partnership with Independent Connection of OCCK, Inc. in the area of housing rehabilitation and direct staff to prepare a resolution to waive building permit fees for City Commission consideration at a later date. Aye: (3). Nay: (0). Motion carried.

(8.11) Request for executive session (real estate).

Jason Gage, City Manager, noted that they would not need an executive session at this time.

(8.12) First reading Ordinance No. 06-10357 adopting the 2006 Standard Traffic Ordinance (STO) and local amendments.

Jennifer Wyatt, City Prosecutor, explained the changes to the STO from the last legislative session.

A discussion followed between Commissioner Perney, Ms. Wyatt, City Manager Jason Gage, Public Works Director Shawn O'Leary, and City Attorney Greg Bengtson regarding parking near railroad tracks and parking on Fourth Street.

Commissioner Perney noted the regulations of requiring wheels to be against curbs when parked.

06-7287 Moved by Commissioner Perney, seconded by Commissioner Vanier, to pass Ordinance

No. 06-10357 on first reading and direct staff to research the issue of parking near railroad tracks and requiring wheels to be placed against the curb when parked for possible future modifications. Aye: (3). Nay: (0). Motion carried.

06-7288 Moved by Commissioner Vanier, seconded by Commissioner Perney, to declare an emergency exists for second reading on the same day. Aye: (3). Nay: (0). Motion carried.

06-7289 Moved by Commissioner Vanier, seconded by Commissioner Perney, to adopt Ordinance No. 06-10357 on second reading. Aye: (3). Nay: (0). Motion carried. Perney, Vanier, Jilka

OTHER BUSINESS

Vice Mayor Jilka wished Brad Johnson, City Engineer, well in future endeavors.

ADJOURNMENT

06-7290 Moved by Commissioner Perney, seconded by Commissioner Vanier, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (3). Nay: (0). Motion carried. The meeting adjourned at 5:11 p.m.

Donnie D. Marrs, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey, CMC, City Clerk